

Serial #: 10/037,681; Docket 20404-301

page 6

**Remarks**

Claims 1 and 18 are amended. Claims 4, 5, 7, 14-16, and 19 are canceled, leaving claims 1-3, 6, 8-13, 17, 18, and 20 pending. Claims 1-20 were rejected as unpatentable over Liao (US 2002/0044044) in view of Harada (US 2003/0210277). A careful review of the references reveals that they do not teach nor suggest many of the limitations found in the claims, including:

**Claims 1 & 18:** "a code segment that provides a virtual server as part of the user interface";

Now in  
amended  
claim 18

**Claim 5:** "browsing [on the Internet] is limited to a predetermined set of websites";

**Claims 7 & 19:** "a code segment that allows the restaurant diner to send messages to a second restaurant diner also using the restaurant communication system";

**Claim 11:** "a code segment that manages an incentive program to encourage the restaurant diner to order the foods and the drinks";

Now in  
amended  
claim 1

**Claim 14:** "wherein the virtual server is an animated figure that emulates human personality traits";

**Claim 15:** "wherein the virtual server teaches the restaurant diner how to operate the restaurant communication system"; and

**Claim 16:** "wherein the virtual server suggestively sells the food and the drinks to the restaurant diner".

The limitations found originally in claims 14, 15 and 16 have been moved by amendment into independent claim 1. The limitations originally found in claims 4, 5, 7 and 19 have been moved by amendment into independent claim 18. These amendments to the claims were discussed with Examiner Sherr during a telephone interview on 22 December 2005. Applicant respectfully points out that all of the amendments now made to the independent claims were

Serial #: 10/037,681; Docket 20404-301

page 7

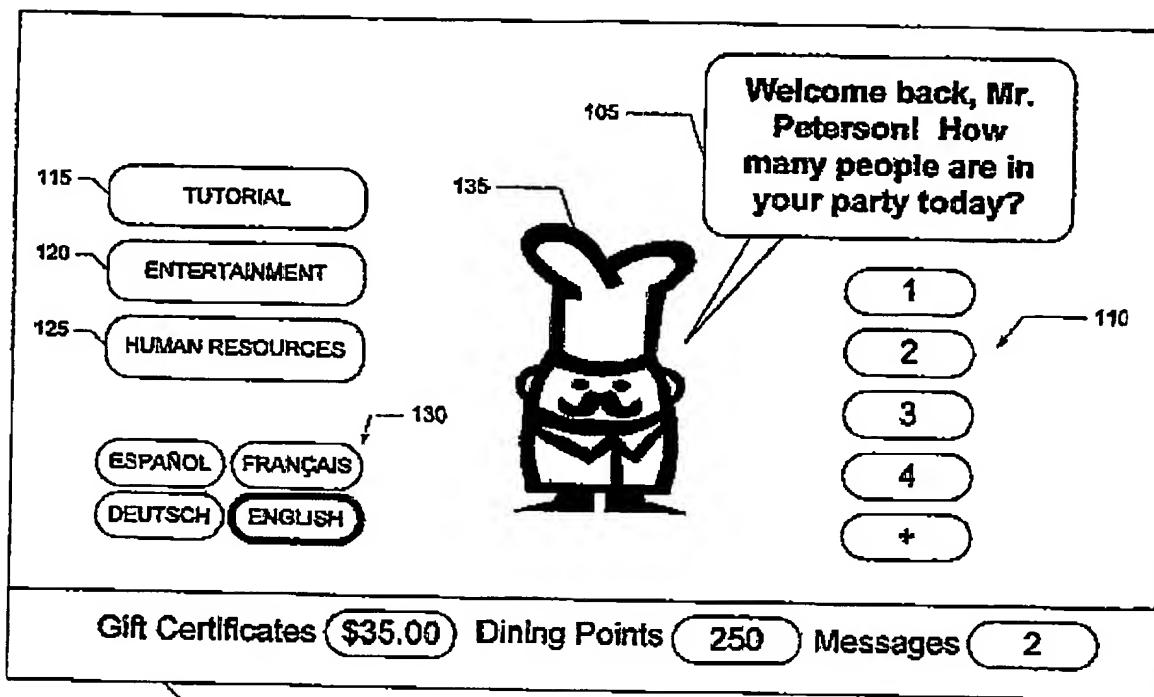
formerly located in the original dependent claims. Because all of these limitations have been twice rejected (first under Delorme in combination with Battistini and then under Liao in combination with Harada), the examining attorney will not need to perform any further searching.

The rejections under Liao and Harada will now be addressed. Claims 1, 14, 15 and 16 were rejected under Liao and Harada on the basis of Liao paragraphs 7-15 and 18 as well as Harada paragraphs 6-9. Applicants assert that Liao and Harada do not teach all of the limitations of claims 1, 14, 15 and 16 (which are now located all in claim 1). The cited portions of Liao merely teach a remote control system for receiving requests, displaying them, and responding to the requests, by use of amplifiers and a comparator. Harada teaches a restaurant ordering system displaying the order data from an order menu, the charge and the table number. The food menu is shown by moving image and provides the user with an order slip. A seasonal menu can also be displayed. These references do not teach or suggest what is claimed, i.e., "a virtual server as part of the user interface" (claim 1), let alone one that is "an animated figure that emulates human personality traits" (claim 1, formerly claim 14) that "teaches the restaurant diner how to operate the restaurant communication system" (claim 1, formerly claim 15) and "suggestively sells the food and the drinks to the restaurant diner" (claim 1, formerly claim 16).

Such a virtual service is shown as element 135 in figure 1 of the application (shown below). The virtual server talks directly to the diner using cartoon bubbles 105 and/or a voice synthesizer. The virtual server turns "the dining experience into entertainment" (page 12, line 12).

Serial #: 10/037,681; Docket 20404-301

page 8



Claims 18, 4, 5, 7 and 19 were rejected under Liao in combination with Harada on the basis of Liao paragraphs 5-10, 12, 20 and Harada paragraphs 9, 12, and 15. The cited portions of Liao teach a restaurant having the need for various services (such as requests for water, napkins, or tablewares), whereby the waitstaff must go to the dining customer to see what kind of service is required. The Liao remote control device displays these requests and can respond to them. The remote control system includes amplifiers and comparators, as well as memory, a display and possibly other output devices (such as a buzzer). The cited portions of Harada teaches a touch panel display at a restaurant table that enables the customer to see the order menu, place an order, and feeding the order data to the kitchen. By touching the food item on the screen, a cooking scene of the food is displayed in moving image. The display also includes a seasonal menu and free or charged extraneous services. These references do not teach or suggest "a virtual server as part of the user interface for assisting the diner with the user interface" (claim 18

Serial #: 10/037,681; Docket 20404-301

page 9

as originally filed), "browsing [on the Internet] is limited to a predetermined set of websites" (claim 18, formerly claims 4 and 5) or "a code segment that allows the restaurant diner to send messages to a second restaurant diner also using the restaurant communication system" (claim 18, formerly claims 7 and 19).

As has been discussed above, the virtual server found in claim 18 is an important limitation missing from the cited references. The limitation stating "browsing [on the Internet] is limited to a predetermined set of websites" is also novel for it enables the restaurant to pre-select which websites diners can access and which ones they cannot. For example, to ensure a family-friendly environment, a restaurant would limit web surfing to a handful of sites, such as [www.cnn.com](http://www.cnn.com) and [www.disney.com](http://www.disney.com), thus preventing the possibility of adult content from being displayed on the screens in the restaurant. The limitations that "allows the restaurant diner to send messages to a second restaurant diner also using the restaurant communication system" is also quite novel. With this feature, a restaurant could promote itself as a safe way for single adults to meet one another. If a person at table 8 finds someone sitting at table 25 interesting, the diner at table 8 can use the present invention to send an electronic message to table 25. This reduces the stress of approaching a stranger to make an introduction.

As has been discussed, the Liao and Harada references fail to teach or suggest many of the limitations found in the independent claims. Applicant requests that the rejections be withdrawn. Since these limitations have been twice rejected the applicant asks that a Notice of Allowability be mailed without another round of searching. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7508. If any fees are due in connection with the filing of this paper, then

Serial #: 10/037,681; Docket 20404-301

page 10

the Commissioner is authorized to charge such fees including fees for any extension of time, to  
Deposit Account No. 50-1901 (Docket 20404-301).

Respectfully submitted,



Steven C. Lieske, Reg. No. 47,749

**OPPENHEIMER WOLFF & DONNELLY LLP**  
Plaza VII, Suite 3300  
45 South Seventh Street  
Minneapolis, MN 55405  
Phone: 612-607-7508  
Fax: 612-607-7100  
E-mail: [SLieske@Oppenheimer.com](mailto:SLieske@Oppenheimer.com)